IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 34421 of 2007(W)

PETITIONER:

JANCY K.C., W/O.LATE M.A. DEVASSY,
AGED 54 YEARS, MALAKKARAN HOUSE,
ENGINEERING COLLEGE P.O., THRISSUR.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SMT.A.KUMARI MINI

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT, DEPT. OF
HOME AFFAIRS, GOVT.SECRETARIAT,THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

3. THE COMMANDANT,
KAP I BATTALION, RAMAVARMAPURAM, THRISSUR.

4. THE ACCOUNTANT GENERAL OF KERALA(A&E),
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 34421 of 2007

Dated this the 3rd December, 2007

J U D G M E N T

Petitioner's husband M.A. Devassy died on 10.4.2004 while functioning as Band Havildar. Petitioner is aggrieved by the fact that the DCRG due under the account of M.A.Devassy has not been disbursed so far, though it has been sanctioned under Exhibit-P1. Maximum period for which the DCRG due to the Government servant can be withheld is three years from the date on which he becomes a pensioner. The said period is over in the case of Devassy. If no liability is fixed within the said period of three years, the DCRG is bound to be disbursed to the petitioner. Petitioner has brought her grievance to the notice of respondents vide Exhibit-P4.

After having heard the learned Government Pleader also, this writ petition is disposed of directing the 2nd respondent to look into Exhibit-P4 and issue appropriate directions to see that the DCRG due under the account of late M.A.Devassy be disbursed to his legal heirs, without any further delay. Needful shall be done by the 2nd respondent, within a period of two months from the date of receipt of a copy of this judgment. The

amounts due by way of DCRG shall be disbursed provided no liability has been fixed with notice to the affected parties, within the period of three years from 10.4.2004. I make it clear that if the amounts due to the petitioner are not disbursed within the time mentioned above, such amounts will carry interest at 12% on the expiry of the period mentioned above.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007